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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,600	06/04/2002	Satoshi Yoshida	0445-0320p	6882

2292 7590 03/26/2004

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EXAMINER

STEPHENS, JACQUELINE F

ART UNIT	PAPER NUMBER
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3761

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DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/088,600

Applicant(s)

YOSHIDA ET AL.

Examiner

Jacqueline F Stephens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/4/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alper USPN 5149741.

As to claim 1, Alper discloses a hot melt adhesive for bonding components of disposable diapers (col. 17, lines 52-56). Alper does not specifically disclose a disposable diaper having the claimed elements. However, it is old and well known and, therefore, obvious to one of ordinary skill in the art, that disposable diapers and sanitary napkins comprise a liquid-permeable topsheet, a liquid-impermeable backsheet, and a

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liquid-retentive absorbent member disposed between the topsheet and backsheet.

Alper discloses his hot melt adhesive has a melt viscosity within the claimed range (Table 1 and Table 2 and col. 18, lines 1-2).

As to claim 2, Alper discloses a disposable diaper and that the adhesive is suitable for bonding nonwovens and tape tabs (col. 1, lines 57 through col. 2, line 3). Alper does not specifically disclose the tape tabs in the back portion of the diaper. However, it is old and well known to one of ordinary skill in the art that diaper fasteners are located in the rear portion of the diaper to assist the caregiver in positioning the diaper on the wearer.

As to claim 3, Alper discloses a method for applying adhesive to a substrate. Alper discloses the adhesive is suitable for diapers (col. 1, lines 58-67) where the hot melt adhesive is contained in a tank of an applicator to an application head through a feed conduit (col. 2, lines 56-62). Alper discloses the tank is heated and the application system is heated (col. 1, lines 39-45; col. 2, lines 56-66). Alper does not specifically disclose the adhesive in the application head has a temperature lower than the adhesive in the tank. However, Alper discloses the need for the adhesive going to the substrate to be cooled (col. 2, line 56 through col. 3, line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the temperature of the adhesive in the application head to be lower than the temperature of

the adhesive in the tank so the adhesive being deposited on the substrate is cool enough for heat-sensitive fibers, which Alper teaches is desired (col. 3, lines 3-5).

As to claim 4, Alper discloses a method for applying adhesive to a substrate Alper discloses the adhesive is suitable for diapers (col. 1, lines 58-67). Alper does not specifically disclose the temperature of the hot melt adhesive in the tank as compared to the temperature of the hot melt adhesive in the applicator. However, Alper discloses the need for the adhesive going to the substrate to be cooled (col. 2, line 56 through col. 3, line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the temperature of the adhesive in the application head to be lower than the temperature of the adhesive in the tank so the adhesive being deposited on the substrate is cool enough for heat-sensitive fibers, which Alper teaches is desired (col. 3, lines 3-5).

As to claim 5, Alper discloses the present invention substantially as claimed. Alper discloses the melt viscosity of the hot melt adhesive within the claimed range (Table 1 and Table 2 and col. 18, lines 1-2). However, Alper does not specifically disclose the viscosity of the adhesive in the application head. Alper teaches reducing the temperature of the adhesive composition even if the air stream of the spray nozzle is heated (col. 2, lines 55-66; col. 12, lines 24-30 and 61-62). Alper further teaches higher viscosities occur with lower temperatures (col. 3, lines 1-9 and 49-52). Alper recognizes the adhesive temperature can be varied with his adhesive composition and

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this will affect viscosity. Alper, therefore recognizes the viscosity is a result effective variable of temperature and composition. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the article of Alper with the claimed viscosity of the adhesive in the application head, since discovering an optimum value of a result effective variable involves only routine skill in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline F Stephens whose telephone number is (703) 308-8320. The examiner can normally be reached on Monday-Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703)305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacqueline F Stephens  
Examiner  
Art Unit 3761



March 21, 2004